

PROCEEDING MEMO

Date: 08/05/2020 12:00 pm

In re: Vance Strader

**Bankruptcy No. 20-20346-CMB
Chapter: 13
Doc. # 30**

Telephonic Appearances: Jennifer Cerce, Keri Ebeck, Thomas Song, Ronda Winnecour, Vance Strader (Debtor- pro se)

Nature of Proceeding: #30 Contested March 11, 2020 Plan

Additional Pleadings: #38 Objection to Plan by HSBC Bank USA, N.A.; #46 Objection to Plan by Deutsche Bank National Trust Company; #52 Objection to Plan by U.S. Bank, N.A.

Judge's Notes:

- Winnecour: Debtor has not made a payment. Prior 13 case was filed where he didn't even complete payment of filing fee. This case was filed almost immediately after that. There are significant arrears. Debtor disputes all claims. Request dismissal for non payment.
- Strader: These are fraudulent claims.
- The matter before the Court today is on the contested plan (feasibility and non-payment) and not on these other issues raised. These other issues can be raised in state court if Debtor is not seeking to fund a plan. It does not appear that Debtor is able to make plan payments and reorganize in good faith.
- Debtor asserts monthly income of approx \$6,000/month but does not explain why he is proceeding in bankruptcy without making any payments.
- Song: Position is that filed POC and prima facie valid. At this point, not represented in the plan at all. Difficult to read intent in plan. Debtor is asserting there is no such thing as a mortgage or creditor. Plan does not give notice to creditors as to how they are treated.
- Ebeck: Echo Attorney Song's arguments. Add that Debtor filed the Chapter 13 to reorganize but he is not paying anyone through the plan. There's really no reason to be in a reorganization. He has been in Chapter 13 since last November yet has not made payments. Meanwhile, creditors are forced to wait. Seek dismissal.

RULING:

- Having heard the arguments of the parties and after review of the record and all of the documents that have been filed, the disputes raised are more appropriately handled and resolved in state court. This does not appear to be an attempt to reorganize. There is no feasibility and no explanation of how creditors will be paid. Arrearages are significant. Debtor may proceed to resolve disputes with his creditors in state court as there is no reorganization purpose to proceed here. Therefore, Debtor has an adequate, alternative remedy to seek relief.

OUTCOME:

- Case dismissed without prejudice. An appropriate order will be entered.

**Carlota M. Böhm
Chief U.S. Bankruptcy Judge**

**FILED
8/5/20 4:18 pm
CLERK
U.S. BANKRUPTCY
COURT - WDPA**